IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:04CV573-MU

KINGVISION PAY-PER-VIEW LTD. as Broadcast Licensee of the March 1, 2003 Jones/Ruiz Program,)	
Plaintiff,)	DEFAULT JUDGMENT
v.)	BEINCET VED GNIENT
DAN LAWSON, et al.,)	
Defendants.)	

The Summons and Complaint in this action having been duly served upon the Defendants, **DAN LAWSON**, **Individually**, and **DESTINY BAR**, **INC. d/b/a OLD PINEVILLE CAFÉ**, on, and said Defendants having failed to plead or otherwise appear in this action.

NOW, on motion of JULIE COHEN LONSTEIN, of counsel to LONSTEIN LAW OFFICE, P.C., attorneys for the Plaintiff, it is hereby

ORDERED, ADJUDGED AND DECREED that Defendant, any of his servants, employees, agents, persons acting in concert with him or acting on his behalf are hereby permanently enjoined and restrained from engaging in the unauthorized reception and interception, whether by air or cable, of Plaintiff's programming, signals or services, or in aiding and abetting any such acts, and are hereby permanently enjoined and restrained from connecting to, attaching, splicing into, tampering with or in any way using Plaintiff's cable wiring without Plaintiff's authorization, and are hereby permanently enjoined and restrained from manufacturing, selling, purchasing, obtaining, using, or possessing any device or equipment capable of unscrambling, intercepting, receiving, decoding, transmitting, providing, or making available all or part of Plaintiff's programming or services without Plaintiff's express authorization, it is further,

ORDERED AND ADJUDGED that Kingvision Pay Per View Ltd., the Plaintiff, does recover jointly and severally of **DAN LAWSON**, **Individually**,

- 1) under 47 U.S.C. § 605(e)(3)(C)(i)(II) in the sum of TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 47 U.S.C. § 605(e)(3)(B)(iii) costs and Attorney fees of ONE THOUSAND ONE HUNDRED SEVENTY EIGHT DOLLARS AND TWENTY FIVE CENTS (\$1178.25)

and it is further

ORDERED AND ADJUDGED that Kingvision Pay Per View Ltd., the Plaintiff, does recover jointly and severally of **DESTINY BAR, INC. d/b/a OLD PINEVILLE CAFÉ**,

- 1) under 47 U.S.C. § 605(e)(3)(C)(i)(II) in the sum of TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 47 U.S.C. § 605(e)(3)(B)(iii) costs and Attorney fees of ONE THOUSAND ONE HUNDRED SEVENTY EIGHT DOLLARS AND TWENTY FIVE CENTS (\$1178.25)

and it is further

ORDERED AND ADJUDGED that pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, there is no just reason for delay in this Default Judgment as the interest of justice requires the issuance of judgment as requested without further delay.

Concerning the Plaintiff's claim for punitive damages under 47 U.S.C. § 605(e)(3)(C)(ii), as the Plaintiff concedes in its brief, such damages may be awarded only where the Defendants' conduct was "willful and for commercial advantage," which is typically proven by establishing that the Defendants' customers were required to pay a "cover charge." The Plaintiff's auditor expressly avers, however, that he did <u>not</u> pay a cover charge when he entered the Defendants' establishment, and there is no evidence that a cover or other price of admission was charged to other customers on the night in question. Accordingly and notwithstanding the Plaintiff's generalized allegations that the Defendants' conduct was willful and for commercial advantage, the undersigned will decline to

impose punitive damages.

SO ORDERED, ADJUDGED AND DECREED.

Signed: March 24, 2006

Graham C. Mullen United States District Judge